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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEVEN WAYNE PHILLIPS,

Defendant.

**CR-18-31-BLG-SPW**

**DEFENDANT'S  
MOTION TO SUPPRESS**

**I. MOTION**

Defendant Steven Wayne Phillips (Mr. Phillips), by and through his counsel of record Gillian E. Gosch and the Federal Defenders of Montana, moves to suppress the evidence obtained as the result of an unlawfully prolonged traffic stop on September 19, 2018.

## **II. GROUNDS**

In satisfaction of Rule 47(b) Fed. R. Crim. P., Mr. Phillips states the following grounds for his motion:

- (A) The officer did not have reasonable suspicion to prolong the traffic stop in this case.
- (B) Soon after stopping Mr. Phillips, the officer became aware of the pill bottles contained within Mr. Phillips' vehicle. Whatever suspicions the officer had about the pill bottles, however, were negated when Mr. Phillips passed his field sobriety tests.
- (C) To have prolonged the traffic stop for over an hour and to have done so after Mr. Phillips passed the field sobriety tests violates the Fourth Amendment. No independent reason on the officer's part justified the prolongation.
- (D) The evidence in this case must be suppressed.

## **III. CONTACT WITH OPPOSING COUNSEL**

The government through its counsel, Thomas Godfrey, opposes this motion.

## **IV. CONCLUSION AND REQUEST FOR RELIEF**

WHEREFORE, Mr. Phillips requests that this Court will on consideration of this motion and the brief that supports it suppress the evidence.

RESPECTFULLY SUBMITTED this 15<sup>th</sup> day of February, 2019.

/s/ Gillian Gosch  
GILLIAN E. GOSCH  
Assistant Federal Defender  
Counsel for Defendant

**V. CERTIFICATE OF SERVICE**

L.R. 5.2(b)

I hereby certify that on February 15, 2019, a copy of the foregoing document was served on the following persons by the following means:

1 CM-ECF

\_\_\_\_\_ Hand Delivery

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1. CLERK, UNITED STATES DISTRICT COURT

1. THOMAS GODFREY  
Assistant U.S. Attorney  
U.S. Attorney's Office  
2601 Second Ave North, Suite 3200  
Billings, MT 59101  
Counsel for the United States of America

/s/ Gillian Gosch  
FEDERAL DEFENDERS OF MONTANA